

AMENDED IN SENATE JUNE 2, 2015

AMENDED IN SENATE MAY 27, 2015

AMENDED IN ASSEMBLY APRIL 16, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 614**

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**Introduced by Assembly Member Brown**

February 24, 2015

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An act to amend Sections 1254.5 and 1275 of the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL’S DIGEST

AB 614, as amended, Brown. Health care standards of practice.

Existing law provides for the licensure and regulation of health facilities by the State Department of ~~Health Care Services~~. *Public Health*. A violation of these provisions is a crime. Existing law authorizes the department to promulgate rules and regulations regarding health facilities, in accordance with the provisions of the Administrative Procedure Act.

This bill would authorize the department to use a streamlined administrative process to update regulatory references to health care standards of practice adopted by a state or national association when outdated standards are already referenced in the California Code of Regulations. The procedure created by this bill would, among other things, require the department to post the update on the department’s Internet Web site, notify stakeholders of the proposed change, submit notice of the proposed change to the Office of Administrative Law for publication in the California Regulatory Notice Register, accept comments, and consider those comments prior to the adoption of the

new standards. The bill would require, if a member of the public requests a public hearing, that the department hold a hearing and consider any comments. The bill would, if comments are submitted in opposition to the proposed change, require the department to instead follow the procedures provided for by the Administrative Procedure Act.

Existing law requires inpatient treatment of eating disorders to be provided only in state licensed hospitals. Existing law defines “eating disorders” for these purposes as anorexia nervosa and bulimia as defined in the 1980 Diagnostic and Statistical Manual of Mental Disorders, published by the American Psychiatric Association.

This bill would instead define “eating disorders” to have the meaning of the term as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, as published by the American Psychiatric Association. By changing the definition of a crime applicable to health facilities, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1254.5 of the Health and Safety Code is
- 2 amended to read:
- 3 1254.5. (a) The Legislature finds and declares that the disease
- 4 of eating disorders is not simply medical or psychiatric, but
- 5 involves biological, sociological, psychological, family, medical,
- 6 and spiritual components. In addition, the Legislature finds and
- 7 declares that the treatment of eating disorders is multifaceted, and
- 8 like the treatment of chemical dependency, does not fall neatly
- 9 into either the traditional medical or psychiatric milieu.
- 10 (b) The inpatient treatment of eating disorders shall be provided
- 11 only in state licensed hospitals, which may be general acute care
- 12 hospitals as defined in subdivision (a) of Section 1250, acute
- 13 psychiatric hospitals as defined in subdivision (b) of Section 1250,
- 14 or any other licensed health facility designated by the State
- 15 Department of ~~Health Care Services~~. *Public Health*.

1 (c) "Eating disorders," for the purposes of this section, shall  
2 have the meaning of the term as defined in the Diagnostic and  
3 Statistical Manual of Mental Disorders, as published by the  
4 American Psychiatric Association.

5 SEC. 2. Section 1275 of the Health and Safety Code is amended  
6 to read:

7 1275. (a) (1) The department shall adopt, amend, or repeal,  
8 in accordance with Chapter 3.5 (commencing with Section 11340)  
9 of Part 1 of Division 3 of Title 2 of the Government Code and  
10 Chapter 4 (commencing with Section 18935) of Part 2.5 of Division  
11 13, any reasonable rules and regulations as may be necessary or  
12 proper to carry out the purposes and intent of this chapter and to  
13 enable the state department to exercise the powers and perform  
14 the duties conferred upon it by this chapter, not inconsistent with  
15 any other law including, but not limited to, the California Building  
16 Standards Law, Part 2.5 (commencing with Section 18901) of  
17 Division 13.

18 (2) All regulations in effect on December 31, 1973, which were  
19 adopted by the State Board of Public Health, the State Department  
20 of Public Health, the State Department of Mental Hygiene, or the  
21 State Department of Health relating to licensed health facilities  
22 shall remain in full force and effect until altered, amended, or  
23 repealed by the director or pursuant to Section 25 or other  
24 provisions of law.

25 (b) Notwithstanding this section or any other law, the Office of  
26 Statewide Health Planning and Development shall adopt and  
27 enforce regulations prescribing building standards for the adequacy  
28 and safety of health facility physical plants.

29 (c) The building standards adopted by the State Fire Marshal,  
30 and the Office of Statewide Health Planning and Development  
31 pursuant to subdivision (b), for the adequacy and safety of  
32 freestanding physical plants housing outpatient services of a health  
33 facility licensed under subdivision (a) or (b) of Section 1250 shall  
34 not be more restrictive or comprehensive than the comparable  
35 building standards established, or otherwise made applicable, by  
36 the State Fire Marshal and the Office of Statewide Health Planning  
37 and Development to clinics and other facilities licensed pursuant  
38 to Chapter 1 (commencing with Section 1200).

39 (d) Except as provided in subdivision (f), the licensing standards  
40 adopted by the department under subdivision (a) for outpatient

1 services located in a freestanding physical plant of a health facility  
2 licensed under subdivision (a) or (b) of Section 1250 shall not be  
3 more restrictive or comprehensive than the comparable licensing  
4 standards applied by the department to clinics and other facilities  
5 licensed under Chapter 1 (commencing with Section 1200).

6 (e) Except as provided in subdivision (f), the state agencies  
7 specified in subdivisions (c) and (d) shall not enforce any standard  
8 applicable to outpatient services located in a freestanding physical  
9 plant of a health facility licensed pursuant to subdivision (a) or (b)  
10 of Section 1250, to the extent that the standard is more restrictive  
11 or comprehensive than the comparable licensing standards applied  
12 to clinics and other facilities licensed under Chapter 1  
13 (commencing with Section 1200).

14 (f) All health care professionals providing services in settings  
15 authorized by this section shall be members of the organized  
16 medical staff of the health facility to the extent medical staff  
17 membership would be required for the provision of the services  
18 within the health facility. All services shall be provided under the  
19 respective responsibilities of the governing body and medical staff  
20 of the health facility.

21 (g) (1) Notwithstanding any other law, the department may,  
22 without taking regulatory action pursuant to Chapter 3.5  
23 (commencing with Section 11340) of Part 1 of Division 3 of Title  
24 2 of the Government Code, update references in the California  
25 Code of Regulations to health care standards of practice adopted  
26 by a recognized state or national association when the state or  
27 national association and its outdated standards are already named  
28 in the California Code of Regulations. When updating these  
29 references, the department shall:

30 (A) Post notice of the department's proposed adoption of the  
31 state or national association's health care standards of practice on  
32 its Internet Web site for at least 45 days. The notice shall include  
33 the name of the state or national association, the title of the health  
34 care standards of practice, and the version of the updated health  
35 care standards of practice to be adopted.

36 (B) Notify stakeholders that the proposed standards have been  
37 posted on the department's Internet Web site by issuing a mailing  
38 to the most recent stakeholder list on file with the department's  
39 Office of Regulations.

1 (C) Submit to the Office of Administrative Law the notice  
2 required pursuant to this paragraph. The office shall publish in the  
3 California Regulatory Notice Register any notice received pursuant  
4 to this subparagraph.

5 (D) Accept public comment for at least 30 days after the  
6 conclusion of the 45-day posting period specified in subparagraph  
7 (A).

8 (2) If a member of the public requests a public hearing during  
9 the public comment period, a hearing shall be held and comments  
10 shall be considered prior to the adoption of the state or national  
11 association's health care standards of practice.

12 (3) If no member of the public requests a public hearing, the  
13 department shall consider any comments received during the public  
14 comment period prior to the adoption of the health care standards.

15 (4) Written responses to public comments shall not be required.  
16 If public comments are submitted in opposition to the adoption of  
17 the proposed standards, or the state or national association named  
18 in the California Code of Regulations no longer exists, the  
19 department shall seek adoption of the standards using the regulatory  
20 process specified in Chapter 3.5 (commencing with Section 11340)  
21 of Part 1 of Division 3 of Title 2 of the Government Code. A state  
22 or national association named in the California Code of Regulations  
23 that has changed its name does not constitute an association that  
24 no longer exists.

25 (5) If no opposition is received by the department, the  
26 department shall update its Internet Web site to notify the public  
27 that the standard has been adopted and the effective date of that  
28 standard.

29 (h) For purposes of this section, "freestanding physical plant"  
30 means any building which is not physically attached to a building  
31 in which inpatient services are provided.

32 SEC. 3. No reimbursement is required by this act pursuant to  
33 Section 6 of Article XIII B of the California Constitution because  
34 the only costs that may be incurred by a local agency or school  
35 district will be incurred because this act creates a new crime or  
36 infraction, eliminates a crime or infraction, or changes the penalty  
37 for a crime or infraction, within the meaning of Section 17556 of  
38 the Government Code, or changes the definition of a crime within

- 1 the meaning of Section 6 of Article XIII B of the California
- 2 Constitution.

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